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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,585	11/26/2003	Timothy J. McGann	38213.00010.CIP1	5676

23562 7590 03/16/2005

BAKER & MCKENZIE  
PATENT DEPARTMENT  
2001 ROSS AVENUE  
SUITE 2300  
DALLAS, TX 75201

EXAMINER

DAVIS, OCTAVIA L

ART UNIT PAPER NUMBER

2855

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/722,585	MCGANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Octavia Davis	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/15/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/9/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the dark and black Figures 7 – 13. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Specification*

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors because it contains more than 20 pages. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Gobush et al.

Art Unit: 2855

Regarding claims 1 and 23, Gobush et al disclose a launch monitor system that measures club motion data and ball motion data comprising marking a golf ball 72 with color markings utilizing markers 130- f), the color marking comprising at least two colors and collecting data related to how the golfer's swing launches using a color camera BC1, BC2 and the color marking (See Col. 5, lines 66 – 67, Col. 6, lines 1 – 6 and Col. 7, lines 20 – 34 and 50 – 65).

Regarding claims 2, 10, 11, 19 and 31, the collected data is averaged for a plurality of swings and the golf equipment is specified based on the averaged launch data (See Cols. 18 and 19, lines 19 – 26 and 1 - 24).

Regarding claims 3 – 5, 12 – 14 and 24 – 26, the collected data comprises data related to the spin of a golf ball hit by the golfer, the speed of the golf ball hit by the golfer as the golf ball leaves the face of the club swung by the golfer and the launch angle of a golf ball hit by the golfer as the golf ball leaves the face of the club swung by the golfer (See Col. 8, lines 36 – 45).

Regarding claims 6, 15 and 27, collecting data comprises converting images of the color markings on the golf ball 72, captured by the camera, into spin, speed, and launch angle data (See Col. 8, lines 36 – 45).

Regarding claims 7 – 9, 16, 18, 28 and 30, ball flight characteristics are derived based on the collected data, the characteristics are displayed and the characteristics comprise carry distance, total distance, and height characteristics (See Col. 8, lines 36 – 45).

Regarding claim 20, deriving the optimized launch model comprises determining an optimum trajectory height limitation (See Col. 18, lines 59 – 67).

Regarding claim 21, deriving the optimum launch model further comprises deriving a relationship between golf ball velocity, launch angle, and spin of the golf ball that results in an

Art Unit: 2855

optimum golf ball trajectory without exceeding the optimum trajectory height limitation (See Col. 13, lines 6 – 25 and 37 – 50 and Col. 14, lines 1 – 10).

Regarding claim 22, wherein the relationship is derived in a manner that maximizes launch angle and reduces spin for a given velocity (See Col. 19, lines 1 – 24).

Regarding claims 17 and 29, the ball flight characteristics are displayed (See Col. 18, lines 59-67).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schmoll (5,911,636) discloses a golf club fitting method and system.

Katayama (6,042,483) discloses a method of measuring motion of a golf ball.


6. Any inquiry concerning this communication should be directed to examiner Octavia Davis at telephone number (571) 272 - 2176. The examiner can normally be reached on Monday - Thursdays (9:00 - 5:00), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (571) 272 - 2180. The fax phone number for the organization where this application where this application or proceeding is assigned is (703) 872 - 9306.



OD/2855

3/10/05



**MAXNOORI**  
**PRIMARY EXAMINER**